

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. 20-cr-0316 WJ

TROY LIVINGSTON,

Defendant.

**AMENDED¹ UNOPPOSED MOTION TO EXTEND DEADLINE TO FILE
SENTENCING OBJECTIONS**

Defendant Troy Livingston respectfully moves the Court to continue the deadline for filing pleadings in response to the presentence report for five days, until Monday, August 23, 2021. The United States does not oppose this request.

In support of this motion, Mr. Livingston states as follows:

1. Sentencing is currently scheduled for September 8, 2021. The Court has set August 18, 2021, as the deadline for the parties to file pleadings in response to the presentence report. ECF No. 63.

2. Undersigned counsel has been working on Mr. Livingston's objections to the presentence report but has not yet completed them. Also, counsel was unable to secure a visit with Mr. Livingston to discuss the objections to the presentence

¹ This motion amends the motion filed August 12, 2021 (ECF No. 65). As of the filing of this amended motion, the Court had not ruled on the original motion.

report and to discuss sentencing matters until this afternoon. Counsel has now met with Mr. Livingston, but she has additional work to do before completing the objections and sentencing memorandum.

3. Mr. Livingston therefore is requesting a five-day extension of the filing deadline, until Monday, August 23, 2021.

4. Earlier today, undersigned counsel conferred with David Cowen, counsel for the government, regarding this motion and Mr. Cowen stated he has no objection to the extension request.

CONCLUSION

WHEREFORE, based upon the foregoing, Defendant Troy Livingston respectfully requests that this Court extend the deadline for filing pleadings in response to the presentence report for five days, until Monday, August 23, 2021.

Respectfully submitted,

/s/ Theresa M. Duncan
Theresa M. Duncan
Duncan Earnest LLC
222 East Marcy Street
Suite 1
Santa Fe, NM 87501
505-842-5196
teri@duncanearnest.com

Attorney for Defendant Troy Livingston

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing pleading was served on all parties by operation of the Court's CM/ECF electronic filing system and pursuant to the CM/ECF Administrative Procedures Manual §§1(a), 7(b)(2), on August 19, 2021.

/s/ Theresa M. Duncan
Theresa M. Duncan